IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4930 of 2001

Between:

C.Obulesu, S/o Balanna,
Bethamcherla P.A.C.S., Bsethamcherla,
Kurnool District.

..... PETITIONER

AND

1 The Commissioner for Cooperation, Government of A.P.,
Nampally, Hyderabad.
2 The District Cooperative Officer,
Kurnool District.
3 The Divisional Cooperative Officer,
Kurnool District.
4 The Sub-Divisional Coop Development Officer,
Dhone, Kurnool District.
5 The Dethamcherla Primary Agrl. Coop. Credit Society, Rep. by its President,
Bethamcherla, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 1 to 3 in not granting ratification for appointment of the Petitioner as clerk and further action of the respondents 3 and 4 in issuing the Proc. Rc.No.1966/2000-C dt: 17-11-2000 and Proc.Rc.No.17/2000, dated 22.12.2000 and 17-1-2001, insisting the 5th Respondent for removal of the petitioner, as highly illegal, arbitrary and violative of Art. 14 & 16 of the Constitution of India and also contrary to the provisions of the A.P.C.S. Act and Rules made thereunder and also violative of principles of natural justice and consequently direct the respondents to continue the petitioner in the 5th Respondent society as clerk.

Counsel for the Petitioner: MR.THANDUSRINIVAS

Counsel for the Respondent Nos.1 to 4: GP FOR COOPERATION

Counsel for the Respondent No.5: G.P. for Agriculture

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents 1 to 3 in not granting ratification for appointment of the petitioner as Clerk and also the action of the respondents 3 and 4 in issuing the Proceedings Rc.No.1966/2000-C, dated 17.11.2000 and Proceedings Rc.No.17/2000-C, dated 22.12.2000 and 17.1.2001 insisting the 5th respondent for removal of the petitioner as highly illegal, arbitrary and contrary to the provisions of the A.P. Cooperative Societies Act and the Rules made thereudner and further direct the respondents to continue the petitioner in the 5th respondent-society as Clerk.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation and perused the material on record.

The learned single Judge of this Court delivered a judgment in W.P.No.3171 of 2003 and batch, dated 30.8.2004. The relevant portion of the judgment reads as under.

> *"……..it is open for them to retrench/remove the surplus employees who are working contrary to the provisions of Section 116-C(1) of the Act. If any employee is retrenched or terminated contrary to the provisions of 25-F of the Industrial Disputes Act or 47 of the A.P. Shops and Establishments Act, 1988 as the case may be, it is open for them to seek appropriate reliefs provided under the said Acts."*

Challenging the aforementioned judgment, an appeal inW.A.No.163 of 2005, dated 7.2.2005 was preferred and the Division Bench of this Court dismissed the said appeal confirming the judgment, dated 30.8.2004.

Following the judgment in W.P.No.3171 of 2003 and batch,

dated 30.8.2004, the writ petition is dismissed. However, the petitioner is at liberty to approach either Labour Court or any appropriate authority under A.P. Shops and Establishments Act, 1988 to seek for redressal of his grievance. The interim direction granted by this Court on 20.3.2001 in W.P.M.P.No.6304 of 2001 is vacated. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

6th June, 2005.

bcj

To

1 The Commissioner for Cooperation, Government of A.P.,
Nampally, Hyderabad.
2 The District Cooperative Officer, Kurnool District.
3 The Divisional Cooperative Officer,
Kurnool District.
4 The Sub-Divisional Coop Development Officer,
Dhone, Kurnool District.
5 The Dethamcherla Primary Agrl. Coop. Credit Society, Rep. by its President,
Bethamcherla, Kurnool District.

6 Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

7 Two C.D. copies